



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 10 2015

Lance R. LeFleur, Director
Alabama Department of Environmental Management
1400 Coliseum Blvd.
Montgomery, AL 36130-1432

Dear Mr. LeFleur:

I am writing in response to your January 8, 2015, letter to the United States Environmental Protection Agency Docket Coordinator and myself regarding the proposal of the 35th Avenue Superfund Site in Birmingham, Alabama, to the National Priorities List (NPL). As you are aware, the formal public comment period for the Site's proposed NPL listing closed on January 20, 2015, and the EPA is currently reviewing comments received from the public.

Your letter indicates that the State of Alabama, including the Alabama Department of Environmental Management (ADEM), objects to the proposed listing of the Site on the NPL. Further, the State requests review of the EPA's decision through the dispute resolution process outlined in the July 25, 1997 OSWER memorandum titled, "Coordinating with the States on National Priorities List Decisions – Issue Resolution Process." The EPA is currently reviewing your request as part of its review of all public comments received on the proposed listing.

Prior to making a final listing decision, the EPA must consider all comments received on a proposed NPL site and respond to those comments in writing. After consideration of all comments, if the Site still qualifies for listing on the NPL, EPA will begin informal deliberations with ADEM. Depending on the outcome of those deliberations, as appropriate, the EPA will follow the process outlined in the above "Issue Resolution Process" memorandum.

I believe that the State and the EPA share the common goal to protect and improve the quality of life for Alabama residents, especially those impacted by legacy industrial releases. As is our policy, the EPA will consult with the State prior to making a future decision. Until that decision is made, the Site remains proposed to the NPL.

If you would like to discuss this matter further, please feel free to contact me at (404) 562-8357.

Sincerely,

Heather McTeer Toney
Regional Administrator

cc: Mathy Stanislaus, AA, OSWER
James Woolford, Director, OSRTI/OSWER

